

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

NO. AB-290 (SUB-NO. 248X)

**Norfolk Southern Railway Company
Abandonment Exemption - in Washington County, NC**

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NS) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment and discontinuance of operations of rail line, located between Mackeys and Plymouth, Washington County, North Carolina. The rail line is approximately 7.3 miles long, from milepost NS-82.7 to milepost NS-90.0 and until October 2003, served a single shipper. NS also states that storm damage from hurricane Isabel in September 2003 caused or exacerbated the need for immediate rehabilitation or repair of the rail line. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

NS states in its application that the rail line right-of-way (ROW) is approximately 100 feet wide and passes through areas that are comprised of approximately 50 percent residential, 25 percent unimproved, 20 percent forest, and 5 percent industrial. NS also states that the rail line proposed for abandonment does not pass through any state forests/parks, national forests/parks, or wildlife sanctuaries.

In its Application, NS states that this rail line provided service to a lone shipper, Royster Clark Resources, LLC, at Mackeys, North Carolina. This shipper has reached an agreement with NS in September 2003 whereby it will continue to receive rail service from NS at its Plymouth, North Carolina location. All rail traffic consisted of outbound carloads of wheat and inbound carloads of agricultural fertilizer. NS states that no rail operations of any kind have taken place since the rail line was taken out of service in October 2003 because of its deteriorated condition and safety concerns. Prior to taking the rail line out of service, 50 carloads were sent or received by Royster Clark Resources, LLC, in 2001 and 67 carloads in 2002, and 101 carloads in 2003. NS believes that there is no reasonable possibility for future development of new rail traffic over this rail line.

NS states that it has no knowledge of hazardous waste sites or sites where there have been known hazardous materials spills on the ROW.

If the abandonment is approved, NS states that it intends to salvage all rail, ties, track materials, and other structures as appropriate.

NS believes the abandonment, if approved, will enhance public health and safety by eliminating 20 private and public at-grade crossings.

There is a single bridge, 50 years old or older, that NS states is relatively modern and ordinary in design and construction which crosses a small ditch or drainage area. NS also states that it believes that there is no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the rail line proposed for abandonment. The North Carolina Department of Cultural Resources, State Historic Preservation Office (SHPO) has conducted a review and determined that they are aware of no historic resources which may be affected by the proposed abandonment. NS has stated that it is their policy to remove all bridges and culverts as part of the proposed abandonment unless otherwise indicated.

NS has conveyed the ROW to Dominion Virginia Power so that it may better serve the public by improving and more easily accessing and maintaining its electric power transmission facilities along the ROW. The conveyance of the ROW is subject to an easement for the location and operation of NS's rail line to the extent necessary until such time as NS obtains an exemption or authority for, and consummates, the abandonment of the rail line.

To that end, NS also seeks an exemption from the offer of financial assistance (OFA) provisions of 49 U.S.C. 10904 and the public use provisions of 49 U.S.C. 10905 with respect to abandonment of this rail line. NS believes that because the ROW has been sold to Dominion Virginia Power there would be no corresponding public benefit to justify and delay because there is no remaining rail business on the rail line to support an OFA. Lastly, NS states that it will not consent to the issuance of a Notice of Interim Trail Use or negotiate for interim trail use of the rail line.

ENVIRONMENTAL REVIEW

The railroad has submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated and reviewed the record in this proceeding.

Comments have been received from the following agencies stating that the proposed abandonment will have no adverse impacts: North Carolina Department of Administration; North Carolina Department of Health and Natural Resources - Coastal Management; the North Carolina Department of Transportation; and the North Carolina Department of Cultural Resources, State Historic Preservation Office.

Transportation

Rail-to-Truck Diversions

SEA's preliminary analysis of 2003 railcar data indicates that 101 railcars would be diverted to trucks.¹ The proposed abandonment, if approved, would result in 565.6² additional trucks or 1131.2 additional truck trips annually. When the additional trucks are calculated on a per day basis, an estimated 4.7 trucks (9.4 truck trips) per day result during a 240 day year.³ It is important to note that SEA is assuming an empty backhaul, which means that approximately 5.0 trucks per day will be added to existing traffic on NC-308. SEA notes that NC-308 parallels that section of rail line proposed to be abandoned by NS.

To analyze the potential impact of the additional truck traffic, SEA calculated the percent increase in new truck traffic, as outlined above. SEA's analysis assumes a worst case scenario by assuming that all the new truck traffic would use NC-308. SEA determined that the percent increase in ADT, based on a 240 day year (4.7 new trucks per day in each direction) would result in the following:

Roadway	ADT ⁴	Estimated New Truck Trips	Percent Increase in ADT
NC 308	3,200	9.4	0.3

Based on the results which indicate an increase in ADT of less than one percent, SEA concludes that rail-to-truck diversions resulting from the proposed abandonment, if approved, will not significantly contribute to traffic delay or adversely affect safety.

Finally, NS states that it would remove all 20, public and private, at-grade crossings located on the line proposed for abandonment. SEA believes that removal of these at-grade crossings would reduce the number of injuries and fatalities that might otherwise occur.

¹SEA notes that using 2002 railcar data is a worst case scenario since only 50 railcars moved over this rail line in 2001.

²SEA used a conversion of 5.6 trucks per railcar - railcars typically haul 100 tons and most trucks haul 18 tons.

³240 workdays result when weekends and holidays are subtracted from a 365 day year.

⁴SEA consulted with Mr. Carol Phelps, North Carolina DOT. Mr. Phelps stated that the ADT increased as you approached Plymouth, NC. SEA used the latest ADT data obtained by NC DOT in 2001 which was 3,200.

Energy Consumption

In the last three years, a limited volume of rail traffic was moved over the rail line. In 2001, 50 carloads or 4,882 tons of freight, in 2002, 67 carloads or 6,727 tons of freight, and in 2003 101 carloads or 10,054 tons of freight were transported over the rail line. Using an average round trip of 20 cars per train, this results in approximately 3 locomotive trips in 2001 and 4 locomotive trips in 2002, and 5 locomotive trips in 2003. The results of the analysis indicates that based on 2001 carload data, diversion to truck would result in the additional consumption of approximately 594 gallons of diesel fuel, 824 gallons of diesel fuel for 2002 carload data, and 1264 gallons of diesel fuel based on 2003 carload data. Therefore, determination of net change in energy consumption is negligible.

In addition, NS believes that the increased consumption of diesel fuel as a result of rail-to-truck diversions, will be offset by Dominion Virginia Power's use of this corridor and more efficient transmission of electricity.

Air Quality

The Board has established air quality and noise level threshold levels set forth at 49 CFR 1105.7(e)(5)(ii) and (e)(6). These thresholds are guidelines that are considered, along with other supporting information, to determine whether the air pollution and noise levels generated by rail traffic diverted to alternative modes warrant detailed analysis. The applicable threshold level for an attainment area when assessing air pollution is an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains per day on any segment of the rail line, or an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment.

Consultation with the North Carolina Department of Natural Resources indicates that the proposed abandonment is currently listed as an attainment area for all priority pollutants. The corresponding impacts to air quality would also be insignificant.

Solid and Hazardous Waste

NS states that it has no knowledge of any hazardous waste sites or sites where there have been known hazardous material spills on the ROW.

Cultural and Historic Resources

The National Geodetic Survey (NGS) has not completed its review of the proposed abandonment.

Additionally, the North Carolina Department of Cultural Resources, State Historic Preservation Office has stated that their review did not identify any properties or areas of archeological or historical significance.

Biological Resources

The U.S. Fish and Wildlife Service, Region 4 (U.S. FWS) and the North Carolina Department of Environment and Natural Resources, Division of Parks and Recreation have indicated, via their respective websites, that eleven species are either considered threatened, endangered, or of special concern and may occur in Washington County, North Carolina. The species of concern are as follows: Bald Eagle (*Haliaeetus leucocephalus*), Rafinesque's Big-eared Bat (*Corynorhinus rafinesquii*), Red wolf (*Canis rufus*), Waccamaw killfish (*Fundulus waccamawensis*), American Alligator (*Alligator mississippiensis*), Timber Rattlesnake (*Crotalus horridus*), Star-nosed Mole - Coastal Plain Population (*Condylura cristata pop I*), Alewife Floater (*Anodonta implicata*), Tidewater Mucket (*Leptodea ochracea*), Eastern Pondmussel (*Ligumia nasuta*), and Carolina Grasswort (*Lilaeopsis carolinensis*).

The U.S. FWS has not completed its review of the proposed abandonment.

The North Carolina Wildlife Resources Commission has not completed its review of the proposed abandonment.

NS has stated that, for rail lines in use, it is customary to spray them once a year to control the growth of vegetation within the ROW. Therefore, SEA believes that the existence of threatened or endangered species to be located within the ROW is unlikely. However, NS indicates that it is willing to undertake reasonable mitigating actions to protect any endangered species that might be encountered in connection with abandonment activities.

Water Resources

NS states that it does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line proposed for abandonment. The areal extent of disturbed areas will be kept to a minimum and limited to the ROW wherever possible. As there are not plans to undertake in-stream work or dredge and/or fill any materials no water quality impacts are anticipated.

NS states that the rail line proposed for abandonment does not cross any waterways, but does pass through 100-year flood plains and is adjacent to wetlands. However, since NS does not intend to significantly alter the geometry of roadbed, no discernible effects on either the 100-year flood plains or adjacent wetlands are anticipated. Therefore, NS does not believe the either a Section 402 or 404 permit is required.

The U.S. Army Corps of Engineers, Wilmington District, has not completed its review of the proposed abandonment.

Land Use

NS has conveyed the ROW to Dominion Virginia Power so that it may better serve the public by improving and more easily accessing and maintaining its electric power transmission

facilities along the ROW. The conveyance of the ROW is subject to an easement for the location and operation of NS's rail line to the extent necessary until such time as NS obtains an exemption or authority for, and consummates, the abandonment of the rail line.

The U.S. Department of Agriculture, Natural Resources Conservation Service, has not completed its review of the proposed abandonment.

CONDITIONS

In response to the concerns expressed by or due to the lack of a response received to date from U.S. Department of Commerce, National Geodetic Survey; U.S. Department of Interior, Fish and Wildlife Service, Region 4; the U.S. Environmental Protection Agency, Region 4; the U.S. Army Corps of Engineers, Wilmington District; the U.S. Department of Agriculture, Natural Resources Conservation Service; the North Carolina Department of Environment and Natural Resources; the North Carolina Wildlife Resources Commission, and Washington County, we recommend that the following conditions be imposed on any decision granting abandonment authority.

1. The U.S. Department of Commerce, National Geodetic Survey (NGS) has not completed its review of the proposed abandonment. Therefore, we recommend, that Norfolk Southern Railway Company consult with the NGS prior to undertaking salvage operations. If salvage operations are expected to destroy or disturb any geodetic station markers the railroad shall notify the NGS in not less than ninety days prior to commencement of such operations.
2. The U.S. Fish and Wildlife Service (U.S. FWS) has not completed its review of the proposed abandonment but has identified the following species of concern on its website: Bald Eagle (*Haliaeetus leucocephalus*), Rafinesque's Big-eared Bat (*Corynorhinus rafinesquii*), Red wolf (*Canis rufus*), Waccamaw killfish (*Fundulus waccamawensis*). Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting the railroad from salvaging or disposing of the entire right-of-way until consultation with the U.S. FWS has been completed.
3. The U.S. Environmental Protection Agency, Region 4 (U.S. EPA) has not completed its review of the proposed abandonment. Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting the railroad from salvaging or disposing of the entire right-of-way until consultation with the U.S. EPA has been completed.
4. The U.S. Army Corps of Engineers, Wilmington District (ACOE), has not completed its review of the proposed abandonment. Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting the railroad from salvaging or disposing of the entire right-of-way until consultation with the ACOE has been completed.

5. The U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS), has not completed its review of the proposed abandonment. Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting the railroad from salvaging or disposing of the entire right-of-way until consultation with the NRCS has been completed.
6. The North Carolina Wildlife Resources Commission (NC-WRC) has not completed its review. Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting the railroad from salvaging or disposing of the entire right-of-way until consultation with the NC-WRC has been completed.
7. The North Carolina Department of Environment and Natural Resources, Division of Parks and Recreation (NC-DENR) has not completed its review of the proposed abandonment but has identified the following species of concern on its website: the Bald Eagle (*Haliaeetus leucocephalus*), Rafinesque's Big-eared Bat (*Corynorhinus rafinesquii*), Red wolf (*Canis rufus*), Waccamaw killfish (*Fundulus waccamawensis*), American Alligator (*Alligator mississippiensis*), Timber Rattlesnake (*Crotalus horridus*), Star-nosed Mole - Coastal Plain Population (*Condylura cristata pop I*), Alewife Floater (*Anodonta implicata*), Tidewater Mucket (*Leptodea ochracea*), Eastern Pondmussel (*Ligumia nasuta*), and Carolina Grasswort (*Lilaeopsis carolinensis*). Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting the railroad from salvaging or disposing of the entire right-of-way until consultation with the NC-DENR has been completed.
8. Washington County, North Carolina, has not completed its review of the proposed abandonment. The City of Gastonia, Engineering Department, requests that all rails, crossing materials, railroad signalization, and signage be removed from all highway/rail intersections with appropriate repairs along the right-of-way. Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting the railroad from salvaging or disposing of the entire right-of-way until consultation with Washington County, North Carolina, has been completed.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and subject to the recommended mitigation measures, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way (ROW) may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

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TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

NS states that it will not consent to the issuance of a Notice of Interim Trail Use or negotiate for interim trail use of the rail line.

PUBLIC ASSISTANCE

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

NS is also requesting an exemption from the offer of financial assistance (OFA) provisions of 49 U.S.C. 10904 and the public use provisions of 49 U.S.C. 10905 with respect to abandonment of this rail line. NS believes that because the ROW has been sold to Dominion Virginia Power there would be no corresponding public benefit to justify and delay because there is no remaining rail business on the rail line to support an OFA.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Troy Brady, who prepared this environmental assessment. **Please refer to Docket No. AB- 290 (Sub No. 248X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Troy Brady at (202) 565-1643.

Date made available to the public: **June 4, 2004.**

Comment due date: July 5, 2004 (30 Days).

By the Board, Victoria J. Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

AB-29a (Sub No. 248X)
ID# 34638

